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108TH CONGRESS
2D SESSION

S. 2826

[Report No. 108–354]

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2004

Mr. DEWINE, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 District of Columbia and related agencies for the fiscal

1 year ending September 30, 2005, and for other purposes,
 2 namely:

3 TITLE I—FEDERAL FUNDS

4 FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

5 For a Federal payment to the District of Columbia,
 6 to be deposited into a dedicated account, for a nationwide
 7 program to be administered by the Mayor, for District of
 8 Columbia resident tuition support, \$21,200,000, to remain
 9 available until expended: *Provided*, That such funds, in-
 10 cluding any interest accrued thereon, may be used on be-
 11 half of eligible District of Columbia residents to pay an
 12 amount based upon the difference between in-State and
 13 out-of-State tuition at public institutions of higher edu-
 14 cation, or to pay up to \$2,500 each year at eligible private
 15 institutions of higher education: *Provided further*, That the
 16 awarding of such funds may be prioritized on the basis
 17 of a resident's academic merit, the income and need of
 18 eligible students and such other factors as may be author-
 19 ized: *Provided further*, That the District of Columbia gov-
 20 ernment shall maintain a dedicated account for the Resi-
 21 dent Tuition Support Program that shall consist of the
 22 Federal funds appropriated to the Program in this Act
 23 and any subsequent appropriations, any unobligated bal-
 24 ances from prior fiscal years, and any interest earned in
 25 this or any fiscal year: *Provided further*, That the account

1 shall be under the control of the District of Columbia
2 Chief Financial Officer who shall use those funds solely
3 for the purposes of carrying out the Resident Tuition Sup-
4 port Program: *Provided further*, That the Office of the
5 Chief Financial Officer shall provide a quarterly financial
6 report to the Committees on Appropriations of the House
7 of Representatives and Senate for these funds showing,
8 by object class, the expenditures made and the purpose
9 therefor: *Provided further*, That not more than 7 percent
10 of the total amount appropriated for this program may
11 be used for administrative expenses.

12 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
13 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

14 For necessary expenses, as determined by the Mayor
15 of the District of Columbia in written consultation with
16 the elected county or city officials of surrounding jurisdic-
17 tions, \$15,000,000, to remain available until expended, to
18 reimburse the District of Columbia for the costs of pro-
19 viding public safety at events related to the presence of
20 the national capital in the District of Columbia and for
21 the costs of providing support to respond to immediate
22 and specific terrorist threats or attacks in the District of
23 Columbia or surrounding jurisdictions: *Provided*, That any
24 amount provided under this heading shall be available only
25 after notice of its proposed use has been transmitted by

1 the President to Congress and such amount has been ap-
 2 portioned pursuant to chapter 15 of title 31, United
 3 States Code.

4 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
 5 COURTS

6 For salaries and expenses for the District of Colum-
 7 bia Courts, \$195,010,000, to be allocated as follows: for
 8 the District of Columbia Court of Appeals, \$8,952,000,
 9 of which not to exceed \$1,500 is for official reception and
 10 representation expenses; for the District of Columbia Su-
 11 perior Court, \$84,948,000, of which not to exceed \$1,500
 12 is for official reception and representation expenses; for
 13 the District of Columbia Court System, \$40,699,000, of
 14 which not to exceed \$1,500 is for official reception and
 15 representation expenses; and \$60,411,000, to remain
 16 available until September 30, 2005, for capital improve-
 17 ments for District of Columbia courthouse facilities: *Pro-*
 18 *vided*, That funds made available for capital improvements
 19 shall be expended consistent with the General Services Ad-
 20 ministration master plan study and building evaluation re-
 21 port: *Provided further*, That notwithstanding any other
 22 provision of law, a single contract or related contracts for
 23 development and construction of facilities may be em-
 24 ployed which collectively include the full scope of the
 25 project: *Provided further*, That the solicitation and con-

1 tract shall contain the clause “availability of funds” found
2 at 48 CFR 52.232–18: *Provided further*, That notwith-
3 standing any other provision of law, all amounts under
4 this heading shall be apportioned quarterly by the Office
5 of Management and Budget and obligated and expended
6 in the same manner as funds appropriated for salaries and
7 expenses of other Federal agencies, with payroll and finan-
8 cial services to be provided on a contractual basis with
9 the General Services Administration (GSA), said services
10 to include the preparation of monthly financial reports,
11 copies of which shall be submitted directly by GSA to the
12 President and to the Committees on Appropriations of the
13 House of Representatives and Senate, the Committee on
14 Government Reform of the House of Representatives, and
15 the Committee on Governmental Affairs of the Senate:
16 *Provided further*, That 30 days after providing written no-
17 tice to the Committees on Appropriations of the House
18 of Representatives and Senate, the District of Columbia
19 Courts may reallocate not more than \$1,000,000 of the
20 funds provided under this heading among the items and
21 entities funded under such heading for operations, and not
22 more than 4 percent of the funds provided under this
23 heading for facilities.

3 For payments authorized under section 11–2604 and
4 section 11–2605, D.C. Official Code (relating to represen-
5 tation provided under the District of Columbia Criminal
6 Justice Act), payments for counsel appointed in pro-
7 ceedings in the Family Court of the Superior Court of the
8 District of Columbia under chapter 23 of title 16, D.C.
9 Official Code, or pursuant to contractual agreements to
10 provide guardian ad litem representation, training, tech-
11 nical assistance and/or such other services as are nec-
12 essary to improve the quality of guardian ad litem rep-
13 resentation, payments for counsel appointed in adoption
14 proceedings under chapter 3 of title 16, D.C. Code, and
15 payments for counsel authorized under section 21–2060,
16 D.C. Official Code (relating to representation provided
17 under the District of Columbia Guardianship, Protective
18 Proceedings, and Durable Power of Attorney Act of 1986),
19 \$34,500,000, to remain available until expended: *Pro-*
20 *vided*, That the funds provided in this Act under the head-
21 ing “Federal Payment to the District of Columbia Courts”
22 (other than the \$53,011,000 provided under such heading
23 for capital improvements for District of Columbia court-
24 house facilities) may also be used for payments under this
25 heading: *Provided further*, That in addition to the funds

1 provided under this heading, the Joint Committee on Ju-
2 dicial Administration in the District of Columbia shall use
3 funds provided in this Act under the heading “Federal
4 Payment to the District of Columbia Courts” (other than
5 the \$53,011,000 provided under such heading for capital
6 improvements for District of Columbia courthouse facili-
7 ties), to make payments described under this heading for
8 obligations incurred during any fiscal year: *Provided fur-*
9 *ther*, That funds provided under this heading shall be ad-
10 ministered by the Joint Committee on Judicial Adminis-
11 tration in the District of Columbia: *Provided further*, That
12 notwithstanding any other provision of law, this appro-
13 priation shall be apportioned quarterly by the Office of
14 Management and Budget and obligated and expended in
15 the same manner as funds appropriated for expenses of
16 other Federal agencies, with payroll and financial services
17 to be provided on a contractual basis with the General
18 Services Administration (GSA), said services to include
19 the preparation of monthly financial reports, copies of
20 which shall be submitted directly by GSA to the President
21 and to the Committees on Appropriations of the House
22 of Representatives and Senate, the Committee on Govern-
23 ment Reform of the House of Representatives, and the
24 Committee on Governmental Affairs of the Senate.

1 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
2 FENDER SUPERVISION AGENCY FOR THE DISTRICT
3 OF COLUMBIA

4 (INCLUDING TRANSFER OF FUNDS)

5 For salaries and expenses, including the transfer and
6 hire of motor vehicles, of the Court Services and Offender
7 Supervision Agency for the District of Columbia and the
8 Public Defender Service for the District of Columbia, as
9 authorized by the National Capital Revitalization and Self-
10 Government Improvement Act of 1997, \$182,490,000, of
11 which not to exceed \$2,000 is for official reception and
12 representation expenses related to Community Supervision
13 and Pretrial Services Agency programs; of which not to
14 exceed \$25,000 is for dues and assessments relating to
15 the implementation of the Court Services and Offender
16 Supervision Agency Interstate Supervision Act of 2002;
17 of which \$113,343,000 shall be for necessary expenses of
18 Community Supervision and Sex Offender Registration, to
19 include expenses relating to the supervision of adults sub-
20 ject to protection orders or the provision of services for
21 or related to such persons; of which \$39,314,000 shall be
22 available to the Pretrial Services Agency; and of which
23 \$29,833,000 shall be transferred to the Public Defender
24 Service for the District of Columbia: *Provided*, That
25 \$1,100,000 shall be to lower supervision caseload ratios

1 to 25:1 for special population offenders: *Provided further*,
2 That \$200,000 shall be to expand monitoring of offenders
3 using global position system technology: *Provided further*,
4 That notwithstanding any other provision of law, all
5 amounts under this heading shall be apportioned quarterly
6 by the Office of Management and Budget and obligated
7 and expended in the same manner as funds appropriated
8 for salaries and expenses of other Federal agencies: *Pro-*
9 *vided further*, That notwithstanding chapter 12 of title 40,
10 United States Code, the Director may acquire by pur-
11 chase, lease, condemnation, or donation, and renovate as
12 necessary, Building Number 17, 1900 Massachusetts Ave-
13 nue, Southeast, Washington, District of Columbia to
14 house or supervise offenders and defendants, with funds
15 made available for this purpose in Public Law 107–96:
16 *Provided further*, That the Director is authorized to accept
17 and use gifts in the form of in-kind contributions of space
18 and hospitality to support offender and defendant pro-
19 grams, and equipment and vocational training services to
20 educate and train offenders and defendants: *Provided fur-*
21 *ther*, That the Director shall keep accurate and detailed
22 records of the acceptance and use of any gift or donation
23 under the previous proviso, and shall make such records
24 available for audit and public inspection: *Provided further*,
25 That the Court Services and Offender Supervision Agency

1 Director is authorized to accept and use reimbursement
 2 from the D.C. Government for space and services provided
 3 on a cost reimbursement basis: *Provided further*, That the
 4 Public Defender Service is authorized to charge fees to
 5 cover cost of materials distributed to attendees of edu-
 6 cational events, including conferences, sponsored by the
 7 Public Defender Service, and notwithstanding 31 U.S.C.
 8 3302, said fees shall be credited to the Public Defender
 9 Service account to be available for use without further ap-
 10 propriation.

11 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

12 WATER AND SEWER AUTHORITY

13 For a Federal payment to the District of Columbia
 14 Water and Sewer Authority, \$10,000,000, to remain avail-
 15 able until expended, to continue implementation of the
 16 Combined Sewer Overflow Long-Term Plan: *Provided*,
 17 That the District of Columbia Water and Sewer Authority
 18 provides a 100 percent match for this payment.

19 FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT

20 INITIATIVE

21 For a Federal payment to the District of Columbia
 22 Department of Transportation, \$3,000,000, to remain
 23 available until September 30, 2006, for design and con-
 24 struction of a continuous pedestrian and bicycle trail sys-

1 tem from the Potomac River to the District's border with
2 Maryland.

3 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE

4 COORDINATING COUNCIL

5 For a Federal payment to the Criminal Justice Co-
6 ordinating Council, \$1,300,000, to remain available until
7 expended, to support initiatives related to the coordination
8 of Federal and local criminal justice resources in the Dis-
9 trict of Columbia.

10 FEDERAL PAYMENT FOR THE UNIFIED

11 COMMUNICATIONS CENTER

12 For a Federal payment to the District of Columbia,
13 \$7,000,000, to remain available until expended, shall be
14 for the Unified Communications Center.

15 FEDERAL PAYMENT FOR TRANSPORTATION ASSISTANCE

16 For a Federal payment to the District of Columbia
17 Department of Transportation, \$5,000,000, of which
18 \$1,000,000 shall be allocated to implement a downtown
19 circulator transit system, and of which \$4,000,000 shall
20 be to offset a portion of the District of Columbia's allo-
21 cated operating subsidy payment to the Washington Met-
22 ropolitan Area Transit Authority.

1 FEDERAL PAYMENT FOR FOSTER CARE IMPROVEMENTS
2 IN THE DISTRICT OF COLUMBIA

3 For a Federal payment to the District of Columbia
4 for foster care improvements, \$5,000,000, to remain avail-
5 able until expended: *Provided*, That \$3,250,000 shall be
6 for the Child and Family Services Agency, of which
7 \$2,000,000 shall be for the early intervention program to
8 provide intensive and immediate services for foster chil-
9 dren; of which \$750,000 shall be for the emergency sup-
10 port fund to purchase services or technology necessary to
11 allow children to remain in the care of an approved and
12 licensed family member; of which \$500,000 shall be for
13 technology upgrades: *Provided further*, That \$1,250,000
14 shall be for the Department of Mental Health to provide
15 all court-ordered or agency-required mental health
16 screenings, assessments and treatments for children under
17 the supervision of the Child and Family Services Agency:
18 *Provided further*, That \$500,000 shall be for the Wash-
19 ington Metropolitan Council of Governments, to continue
20 a program in conjunction with the Foster and Adoptive
21 Parents Advocacy Center, to provide respite care for and
22 recruitment of foster parents: *Provided further*, That these
23 Federal funds shall supplement and not supplant local
24 funds for the purposes described under this heading.

1 FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF
 2 FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

3 For a Federal payment to the Office of the Chief Fi-
 4 nancial Officer of the District of Columbia, \$32,500,000:
 5 *Provided*, That these funds shall be available for the
 6 projects and in the amounts specified in the statement of
 7 the managers on the conference report accompanying this
 8 Act: *Provided further*, That each entity that receives fund-
 9 ing under this heading shall submit to the Office of the
 10 Chief Financial Officer of the District of Columbia and
 11 the Committees on Appropriations of the House of Rep-
 12 resentatives and Senate a report on the activities to be
 13 carried out with such funds no later than March 15, 2005.

14 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

15 For a Federal payment for a School Improvement
 16 Program in the District of Columbia, \$40,000,000, to be
 17 allocated as follows: for the District of Columbia Public
 18 Schools, \$13,000,000 to improve public school education
 19 in the District of Columbia, \$13,000,000 to expand qual-
 20 ity public charter schools in the District of Columbia; for
 21 the Secretary of the Department of Education,
 22 \$14,000,000 to provide opportunity scholarships for stu-
 23 dents in the District of Columbia in accordance with Pub-
 24 lic Law 108–199, of which up to \$1,000,000 may be used
 25 to administer and fund assessments: *Provided*, That of the

1 \$13,000,000 for the District of Columbia Public Schools,
2 \$5,000,000 shall be for a new incentive fund to reward
3 high performing or significantly improved public schools;
4 \$5,000,000 shall be to support the Transformation School
5 Initiative directed to schools in need of improvement: *Pro-*
6 *vided further*, That of the remaining amounts, the Super-
7 intendent of the District of Columbia Public Schools shall
8 use such sums as necessary to contract for management
9 consulting services and implement recommended reforms:
10 *Provided further*, That the Comptroller General shall con-
11 duct a financial audit of the District of Columbia Public
12 Schools: *Provided further*, That of the \$13,000,000 pro-
13 vided for public charter schools in the District of Colum-
14 bia, \$4,000,000 shall be for the City Build Initiative to
15 create neighborhood-based charter schools; \$2,750,000
16 shall be for the Direct Loan Fund for Charter Schools;
17 \$150,000 shall be for administrative expenses of the Office
18 of Charter School Financing and Support to expand out-
19 reach and support of charter schools; \$100,000 shall be
20 for the D.C. Public Charter School Association to enhance
21 the quality of charter schools; \$4,000,000 shall be for the
22 development of an incubator facility for public charter
23 schools; and \$2,000,000 shall be for a new incentive fund
24 to reward high performing or significantly improved public
25 charter schools: *Provided further*, That the District of Co-

1 lumbia government shall establish a dedicated account for
2 the Office of Charter School Financing and Support (the
3 Office) that shall consist of the Federal funds appro-
4 priated in this Act, any subsequent appropriations, any
5 unobligated balances from prior fiscal years, any addi-
6 tional grants, and any interest and principal derived from
7 loans made to Charter Schools, and repayment of dollars
8 utilized to support credit enhancement earned in this or
9 any fiscal year: *Provided further*, That the account shall
10 be under the control of the District of Columbia Chief Fi-
11 nancial Officer who shall use those funds solely for the
12 purposes of carrying out the Credit Enhancement Pro-
13 gram, Direct Loan Fund Grant Program, and any other
14 charter school financing under the management of the Of-
15 fice: *Provided further*, That in this and subsequent fiscal
16 years the Office of the Chief Financial Officer shall con-
17 duct an annual audit of the funds expended by the Office
18 and provide an annual financial report to the Mayor, the
19 Council of the District of Columbia, the Office of the Dis-
20 trict of Columbia Treasurer and the Committees on Ap-
21 propriations of the House of Representatives and Senate
22 for these funds showing, by object class, the expenditures
23 made and the purpose therefor: *Provided further*, That not
24 more than \$1,000,000 of the total amount appropriated
25 for this program may be used for administrative expenses

1 and training expenses related to the cost of the National
 2 Charter School Conference(s) to be hosted by December
 3 2006; and no more than 5 percent of the funds appro-
 4 priated for the direct loan fund may be used for adminis-
 5 trative expenses related to the administration and annual
 6 audit of the direct loan, grant, and credit enhancement
 7 programs.

8 FEDERAL PAYMENT FOR BIOTERRORISM AND
 9 FORENSICS LABORATORY

10 For a Federal payment to the District of Columbia,
 11 \$8,000,000, to remain available until September 30, 2006,
 12 for design, planning, and procurement costs associated
 13 with the construction of a bioterrorism and forensics lab-
 14 oratory: *Provided*, That the District of Columbia shall pro-
 15 vide an additional \$2,300,000 with local funds as a condi-
 16 tion of receiving this payment.

17 TITLE II—DISTRICT OF COLUMBIA FUNDS
 18 OPERATING EXPENSES

19 DIVISION OF EXPENSES

20 The following amounts are appropriated for the Dis-
 21 trict of Columbia for the current fiscal year out of the
 22 general fund of the District of Columbia, except as other-
 23 wise specifically provided: *Provided*, That notwithstanding
 24 any other provision of law, except as provided in section
 25 450A of the District of Columbia Home Rule Act (D.C.

1 Official Code, sec. 1–204.50a) and the provisions of this
 2 Act, the total amount appropriated in this Act for oper-
 3 ating expenses for the District of Columbia for fiscal year
 4 2005 under this heading shall not exceed the lesser of the
 5 sum of the total revenues of the District of Columbia for
 6 such fiscal year or \$7,206,164,000 (of which
 7 \$4,215,088,000 shall be from local funds, \$1,762,046,000
 8 shall be from Federal funds, \$1,214,843,000 shall be from
 9 other funds, and \$14,817,000 shall be from private
 10 funds), and an intra-district amount of \$435,054,000, in
 11 addition, \$186,900,000 from funds previously appro-
 12 priated in this Act as Federal payments: *Provided further*,
 13 That this amount may be increased by proceeds of one-
 14 time transactions, which are expended for emergency or
 15 unanticipated operating or capital needs: *Provided further*,
 16 That such increases shall be approved by enactment of
 17 local District law and shall comply with all reserve require-
 18 ments contained in the District of Columbia Home Rule
 19 Act as amended by this Act: *Provided further*, That the
 20 Chief Financial Officer of the District of Columbia shall
 21 take such steps as are necessary to assure that the Dis-
 22 trict of Columbia meets these requirements, including the
 23 apportioning by the Chief Financial Officer of the appro-
 24 priations and funds made available to the District during
 25 fiscal year 2005, except that the Chief Financial Officer

1 may not reprogram for operating expenses any funds de-
 2 rived from bonds, notes, or other obligations issued for
 3 capital projects.

4 GOVERNMENTAL DIRECTION AND SUPPORT

5 Governmental direction and support, \$416,069,000
 6 (including \$261,068,000 from local funds, \$100,256,000
 7 from Federal funds, and \$54,745,000 from other funds),
 8 in addition, \$32,500,000 from funds previously appro-
 9 priated in this Act under the heading “Federal Payment
 10 to the Office of the Chief Financial Officer of the District
 11 of Columbia”, \$15,000,000 from funds previously appro-
 12 priated in this Act under the heading “Federal Payment
 13 for Emergency Planning and Security Costs in the Dis-
 14 trict of Columbia”, and \$5,000,000 from funds previously
 15 appropriated in this Act under the heading “Federal Pay-
 16 ment for Foster Care Improvements in the District of Co-
 17 lumbia”: *Provided*, That not to exceed \$9,300 for the
 18 Mayor, \$9,300 for the Chairman of the Council of the Dis-
 19 trict of Columbia, \$9,300 for the City Administrator, and
 20 \$9,300 for the Office of the Chief Financial Officer shall
 21 be available from this appropriation for official reception
 22 and representation expenses: *Provided further*, That any
 23 program fees collected from the issuance of debt shall be
 24 available for the payment of expenses of the debt manage-
 25 ment program of the District of Columbia: *Provided fur-*

1 *ther*, That no revenues from Federal sources shall be used
 2 to support the operations or activities of the Statehood
 3 Commission and Statehood Compact Commission: *Pro-*
 4 *vided further*, That the District of Columbia shall identify
 5 the sources of funding for Admission to Statehood from
 6 its own locally generated revenues: *Provided further*, That
 7 notwithstanding any other provision of law, or Mayor's
 8 Order 86-45, issued March 18, 1986, the Office of the
 9 Chief Technology Officer's delegated small purchase au-
 10 thority shall be \$500,000: *Provided further*, That the Dis-
 11 trict of Columbia government may not require the Office
 12 of the Chief Technology Officer to submit to any other
 13 procurement review process, or to obtain the approval of
 14 or be restricted in any manner by any official or employee
 15 of the District of Columbia government, for purchases
 16 that do not exceed \$500,000.

17 ECONOMIC DEVELOPMENT AND REGULATION

18 Economic development and regulation, \$334,745,000
 19 (including \$55,764,000 from local funds, \$93,050,000
 20 from Federal funds, \$185,806,000 from other funds, and
 21 \$125,000 from private funds), of which \$13,000,000 col-
 22 lected by the District of Columbia in the form of BID tax
 23 revenue shall be paid to the respective BIDs pursuant to
 24 the Business Improvement Districts Act of 1996 (D.C.
 25 Law 11-134; D.C. Official Code, sec. 2-1215.01 et seq.),

1 and the Business Improvement Districts Amendment Act
 2 of 1997 (D.C. Law 12–26; D.C. Official Code, sec. 2–
 3 1215.15 et seq.): *Provided*, That such funds are available
 4 for acquiring services provided by the General Services
 5 Administration: *Provided further*, That Business Improve-
 6 ment Districts shall be exempt from taxes levied by the
 7 District of Columbia: *Provided further*, That local funds
 8 in the amount of \$1,200,000 shall be appropriated for the
 9 Excel Institute.

10 PUBLIC SAFETY AND JUSTICE

11 Public safety and justice, \$798,723,000 (including
 12 \$760,849,000 from local funds, \$7,899,000 from Federal
 13 funds, \$29,966,000 from other funds, and \$9,000 from
 14 private funds), in addition, \$1,300,000 from funds pre-
 15 viously appropriated in this Act under the heading “Fed-
 16 eral Payment to the Criminal Justice Coordinating Coun-
 17 cil”: *Provided*, That not to exceed \$500,000 shall be avail-
 18 able from this appropriation for the Chief of Police for
 19 the prevention and detection of crime: *Provided further*,
 20 That the Mayor shall reimburse the District of Columbia
 21 National Guard for expenses incurred in connection with
 22 services that are performed in emergencies by the National
 23 Guard in a militia status and are requested by the Mayor,
 24 in amounts that shall be jointly determined and certified
 25 as due and payable for these services by the Mayor and

1 the Commanding General of the District of Columbia Na-
 2 tional Guard: *Provided further*, That such sums as may
 3 be necessary for reimbursement to the District of Colum-
 4 bia National Guard under the preceding proviso shall be
 5 available from this appropriation, and the availability of
 6 the sums shall be deemed as constituting payment in ad-
 7 vance for emergency services involved.

8 PUBLIC EDUCATION SYSTEM

9 (INCLUDING TRANSFERS OF FUNDS)

10 Public education system, including the development
 11 of national defense education programs, \$1,266,424,000
 12 (including \$1,058,709,000 from local funds,
 13 \$194,979,000 from Federal funds, \$8,957,000 from other
 14 funds, \$3,780,000 from private funds to be allocated as
 15 follows:

16 (1) DISTRICT OF COLUMBIA PUBLIC
 17 SCHOOLS.—\$901,944,000 (including \$760,494,000
 18 from local funds, \$130,450,000 from Federal funds,
 19 \$7,330,000 from other funds, \$3,670,000 from pri-
 20 vate funds, and not to exceed \$6,816,000, to remain
 21 available until expended, from the Medicaid and
 22 Special Education Reform Fund established pursu-
 23 ant to the Medicaid and Special Education Reform
 24 Fund Establishment Act of 2002 (D.C. Law 14–
 25 190; D.C. Official Code 4–204.51 et seq.)), and

1 \$14,000,000 from funds previously appropriated in
2 this Act under the heading “Federal Payment for
3 School Improvement in the District of Columbia”
4 shall be available for District of Columbia Public
5 Schools: *Provided*, That notwithstanding any other
6 provision of law, rule, or regulation, the evaluation
7 process and instruments for evaluating District of
8 Columbia Public School employees shall be a non-ne-
9 gotiable item for collective bargaining purposes: *Pro-*
10 *vided further*, That this appropriation shall not be
11 available to subsidize the education of any non-
12 resident of the District of Columbia at any District
13 of Columbia public elementary or secondary school
14 during fiscal year 2005 unless the nonresident pays
15 tuition to the District of Columbia at a rate that
16 covers 100 percent of the costs incurred by the Dis-
17 trict of Columbia that are attributable to the edu-
18 cation of the nonresident (as established by the Su-
19 perintendent of the District of Columbia Public
20 Schools): *Provided further*, That notwithstanding the
21 amounts otherwise provided under this heading or
22 any other provision of law, there shall be appro-
23 priated to the District of Columbia Public Schools
24 on July 1, 2005, an amount equal to 10 percent of
25 the total amount of the local funds provided for the

1 District of Columbia Public Schools in the proposed
2 budget of the District of Columbia for fiscal year
3 2005 (as submitted to Congress), and the amount of
4 such payment shall be chargeable against the final
5 amount provided for the District of Columbia Public
6 Schools under the District of Columbia Appropria-
7 tions Act, 2005: *Provided further*, That not to exceed
8 \$9,300 for the Superintendent of Schools shall be
9 available from this appropriation for official recep-
10 tion and representation expenses.

11 (2) TEACHERS' RETIREMENT FUND.—
12 \$9,200,000 from local funds shall be available for
13 the Teachers' Retirement Fund.

14 (3) STATE EDUCATION OFFICE.—\$73,104,000
15 (including \$10,015,000 from local funds,
16 \$62,914,000 from Federal funds, and \$176,000
17 from other funds), in addition, \$26,500,000 from
18 funds previously appropriated in this Act under the
19 heading "Federal Payment for Resident Tuition
20 Support" and \$14,000,000 from funds previously
21 appropriated in this Act under the heading "Federal
22 Payment for School Improvement in the District of
23 Columbia" shall be available for the State Education
24 Office: *Provided*, That of the amounts provided to
25 the State Education Office, \$500,000 from local

1 funds shall remain available until June 30, 2006 for
 2 an audit of the student enrollment of each District
 3 of Columbia Public School and of each District of
 4 Columbia public charter school.

5 (4) DISTRICT OF COLUMBIA PUBLIC CHARTER
 6 SCHOOLS.—\$196,802,000 from local funds shall be
 7 available for District of Columbia public charter
 8 schools: *Provided*, That there shall be quarterly dis-
 9 bursement of funds to the District of Columbia pub-
 10 lic charter schools, with the first payment to occur
 11 within 15 days of the beginning of the fiscal year:
 12 *Provided further*, That if the entirety of this alloca-
 13 tion has not been provided as payments to any pub-
 14 lic charter schools currently in operation through the
 15 per pupil funding formula, the funds shall remain
 16 available as follows: (A) the first \$3,000,000 shall be
 17 deposited in the Credit Enhancement Revolving
 18 Fund established pursuant to section 603(e) of the
 19 Student Loan Marketing Association Reorganization
 20 Act of 1996 (Public Law 104–208; 110 Stat. 3009;
 21 20 U.S.C. 1155(e)); and (B) the balance shall be for
 22 public education in accordance with section
 23 2403(b)(2) of the District of Columbia School Re-
 24 form Act of 1995 (D.C. Official Code, sec. 38–
 25 1804.03(b)(2)): *Provided further*, That of the

1 amounts made available to District of Columbia pub-
2 lic charter schools, \$25,000 shall be made available
3 to the Office of the Chief Financial Officer as au-
4 thorized by section 2403(b)(6) of the District of Co-
5 lumbia School Reform Act of 1995 (D.C. Official
6 Code, sec. 38-1804.03(b)(6)): *Provided further*, That
7 \$660,000 of this amount shall be available to the
8 District of Columbia Public Charter School Board
9 for administrative costs: *Provided further*, That not-
10 withstanding the amounts otherwise provided under
11 this heading or any other provision of law, there
12 shall be appropriated to the District of Columbia
13 public charter schools on July 1, 2005, an amount
14 equal to 25 percent of the total amount of the local
15 funds appropriations request provided for payments
16 to public charter schools in the proposed budget of
17 the District of Columbia for fiscal year 2005 (as
18 submitted to Congress), and the amount of such
19 payment shall be chargeable against the final
20 amount provided for such payments under the Dis-
21 trict of Columbia Appropriations Act, 2005: *Pro-*
22 *vided further*, That notwithstanding any other provi-
23 sion of law, of the funds appropriated herein for the
24 District of Columbia Public Charter Schools, the
25 Chief Financial Officer of the District of Columbia,

1 in coordination with the District of Columbia Char-
2 tering Authorities for the District of Columbia Pub-
3 lic Charter Schools, shall establish requirements,
4 policies and procedures for the performance of a sin-
5 gle financial audit, to be performed by one auditing
6 firm selected by the Chief Financial Officer of the
7 District of Columbia: *Provided further*, That begin-
8 ning in fiscal year 2005, the District of Columbia
9 Chartering Authorities for the District of Columbia
10 Public Charter Schools shall implement and follow
11 these requirements (including, but not limited to, the
12 terms and conditions), policies and procedures to en-
13 sure the completion of the annual financial single
14 audit of all District of Columbia Public Charter
15 Schools conducted in accordance herewith.

16 (5) UNIVERSITY OF THE DISTRICT OF COLUM-
17 BIA SUBSIDY.—\$49,602,000 from local funds shall
18 be available for the University of the District of Co-
19 lumbia: *Provided*, That this appropriation shall not
20 be available to subsidize the education of non-
21 residents of the District of Columbia at the Univer-
22 sity of the District of Columbia, unless the Board of
23 Trustees of the University of the District of Colum-
24 bia adopts, for the fiscal year ending September 30,
25 2005, a tuition rate schedule that will establish the

1 tuition rate for nonresident students at a level no
 2 lower than the nonresident tuition rate charged at
 3 comparable public institutions of higher education in
 4 the metropolitan area: *Provided further*, That not-
 5 withstanding the amounts otherwise provided under
 6 this heading or any other provision of law, there
 7 shall be appropriated to the University of the Dis-
 8 trict of Columbia on July 1, 2005, an amount equal
 9 to 10 percent of the total amount of the local funds
 10 appropriations request provided for the University of
 11 the District of Columbia in the proposed budget of
 12 the District of Columbia for fiscal year 2005 (as
 13 submitted to Congress), and the amount of such
 14 payment shall be chargeable against the final
 15 amount provided for the University of the District of
 16 Columbia under the District of Columbia Appropria-
 17 tions Act, 2005: *Provided further*, That not to exceed
 18 \$9,300 for the President of the University of the
 19 District of Columbia shall be available from this ap-
 20 propriation for official reception and representation
 21 expenses.

22 (6) DISTRICT OF COLUMBIA PUBLIC LIBRAR-
 23 IES.—\$30,831,000 (including \$28,978,000 from
 24 local funds, \$1,093,000 from Federal funds, and
 25 \$651,000 from other funds) shall be available for

1 the District of Columbia Public Libraries: *Provided*,
 2 That not to exceed \$7,500 for the Public Librarian
 3 shall be available from this appropriation for official
 4 reception and representation expenses.

5 (7) COMMISSION ON THE ARTS AND HUMAN-
 6 ITIES.—\$4,941,000 (including \$3,618,000 from local
 7 funds, \$523,000 from Federal funds, and \$800,000
 8 from other funds) shall be available for the Commis-
 9 sion on the Arts and Humanities.

10 HUMAN SUPPORT SERVICES

11 (INCLUDING TRANSFER OF FUNDS)

12 Human support services, \$2,533,825,000 (including
 13 \$1,165,314,000 from local funds, \$1,331,670,000 from
 14 Federal funds, \$27,441,000 from other funds, \$9,400,000
 15 from private funds, in addition, \$5,000,000 from funds
 16 previously appropriated in this Act under the heading
 17 “Federal Payment to Foster Care Improvements in the
 18 District of Columbia”: *Provided*, That \$29,600,000 of this
 19 appropriation, to remain available until expended, shall be
 20 available solely for District of Columbia employees’ dis-
 21 ability compensation: *Provided further*, That no less than
 22 \$8,498,720, to remain available until expended, shall be
 23 deposited in the Addiction Recovery Fund, established
 24 pursuant to section 5 of the Choice in Drug Treatment
 25 Act of 2000 (D.C. Law 13–146; D.C. Official Code, sec.

1 7–3004) and used exclusively for the purpose of the Choice
2 in Drug Treatment program, established pursuant to sec-
3 tion 4 of the Choice in Drug Treatment Act of 2000 (D.C.
4 Law 13–146; D.C. Official Code, sec. 7–3003), of which
5 \$7,500,000 shall be provided from local funds: *Provided*
6 *further*, That none of the \$8,498,720 for the Choice in
7 Drug Treatment program shall be used by the Depart-
8 ment of Health’s Addiction Prevention and Recovery Ad-
9 ministration to provide youth residential treatment serv-
10 ices or youth outpatient treatment services: *Provided fur-*
11 *ther*, That no less than \$2,000,000 shall be available to
12 the Department of Health’s Addiction Prevention and Re-
13 covery Administration exclusively for the purpose of pro-
14 viding youth residential treatment services: *Provided fur-*
15 *ther*, That no less than \$1,575,416 shall be available to
16 the Department of Health’s Addiction Prevention and Re-
17 covery Administration exclusively for the purpose of pro-
18 viding youth outpatient treatment services, of which
19 \$750,000 shall be made available exclusively to provide in-
20 tensive outpatient treatment slots, outpatient treatment
21 slots, and other program costs for youth in the care of
22 the Youth Services Administration: *Provided further*, That
23 no less than \$1,400,000 shall be used by the Department
24 of Health’s Addiction Prevention and Recovery Adminis-
25 tration to fund a Child and Family Services Agency pilot

1 project entitled Family Treatment Court: *Provided further*,
2 That \$1,200,000 of local funds, to remain available until
3 expended, shall be deposited in the Adoption Voucher
4 Fund, established pursuant to section 3805(a) of the
5 Adoption Voucher Fund Act of 2000, effective October 19,
6 2000 (D.C. Law 13–172; D.C. Official Code, sec. 4–
7 344(a)), to be used exclusively for the purposes set forth
8 in section 3805(b) of the Adoption Voucher Fund Act
9 (D.C. Official Code, sec. 4–344(b)): *Provided further*, That
10 no less than \$300,000 shall be used by the Department
11 of Health’s Environmental Health Administration to oper-
12 ate the Total Maximum Daily Load program: *Provided*
13 *further*, That no less than \$1,268,500 shall be used by
14 the Department of Health’s Environmental Health Ad-
15 ministration to operate its air quality programs, of which
16 no less than \$242,000 shall be used to fund 4 full-time
17 air quality employees: *Provided further*, That the Depart-
18 ment of Human Services, Youth Services Administration
19 shall not expend any appropriated fiscal year 2005 funds
20 until the Mayor has submitted to the Council by Sep-
21 tember 30, 2004 a plan, including time lines, to close the
22 Oak Hill Youth Center at the earliest feasible date. All
23 of the above proviso amounts in this heading relate back
24 to and are a subset of the first-referenced appropriation
25 amount of \$2,533,825,000.

1 PUBLIC WORKS

2 Public works, including rental of one passenger-car-
3 rying vehicle for use by the Mayor and three passenger-
4 carrying vehicles for use by the Council of the District of
5 Columbia and leasing of passenger-carrying vehicles,
6 \$331,936,000 (including \$312,035,000 from local funds,
7 \$4,000,000 from Federal funds, and \$15,901,000 from
8 other funds), in addition, \$5,000,000 from funds pre-
9 viously appropriated in this Act under the heading “Fed-
10 eral Payment for Transportation Assistance”: *Provided*,
11 That this appropriation shall not be available for collecting
12 ashes or miscellaneous refuse from hotels and places of
13 business.

14 CASH RESERVE

15 For the cumulative cash reserve established pursuant
16 to section 202(j)(2) of the District of Columbia Financial
17 Responsibility and Management Assistance Act of 1995
18 (D.C. Official Code, sec. 47–392.02(j)(2)), \$50,000,000
19 from local funds.

20 EMERGENCY AND CONTINGENCY RESERVE FUNDS

21 For the emergency reserve fund and the contingency
22 reserve fund under section 450A of the District of Colum-
23 bia Home Rule Act (D.C. Official Code, sec. 1–204.50a),
24 such additional amounts from the District’s general fund

1 balance as are necessary to meet the balance requirements
 2 for funds under section 450A.

3 REPAYMENT OF LOANS AND INTEREST

4 For payment of principal, interest, and certain fees
 5 directly resulting from borrowing by the District of Co-
 6 lumbia to fund District of Columbia capital projects as
 7 authorized by sections 462, 475, and 490 of the District
 8 of Columbia Home Rule Act (D.C. Official Code, secs. 1–
 9 204.62, 1–204.75, and 1–204.90), \$347,700,000 from
 10 local funds.

11 PAYMENT OF INTEREST ON SHORT-TERM BORROWING

12 For payment of interest on short-term borrowing,
 13 \$4,000,000 from local funds.

14 CERTIFICATES OF PARTICIPATION

15 For principal and interest payments on the District's
 16 Certificates of Participation, issued to finance the ground
 17 lease underlying the building located at One Judiciary
 18 Square, \$11,252,000 from local funds.

19 SETTLEMENTS AND JUDGMENTS

20 For making refunds and for the payment of legal set-
 21 tlements or judgments that have been entered against the
 22 District of Columbia government, \$20,270,000 from local
 23 funds: *Provided*, That this appropriation shall not be con-
 24 strued as modifying or affecting the provisions of section
 25 103 of this Act.

1 WILSON BUILDING

2 For expenses associated with the John A. Wilson
3 building, \$3,633,000 from local funds.

4 WORKFORCE INVESTMENTS

5 For workforce investments, \$38,114,000 from local
6 funds, to be transferred by the Mayor of the District of
7 Columbia within the various appropriation headings in
8 this Act for which employees are properly payable: *Pro-*
9 *vided*, That of this amount \$3,548,000 shall remain avail-
10 able until expended to meet the requirements of the Com-
11 pensation Agreement Between the District of Columbia
12 Government Units 1 and 2 Approval Resolution of 2004,
13 effective February 17, 2004 (Res. 15–459; 51 DCR
14 2325).

15 NON-DEPARTMENTAL AGENCY

16 To account for anticipated costs that cannot be allo-
17 cated to specific agencies during the development of the
18 proposed budget, \$13,946,000 (including \$4,000,000 from
19 local funds and \$9,946,000 from other funds) to be trans-
20 ferred by the Mayor of the District of Columbia within
21 the various appropriations headings in this Act: *Provided*,
22 That \$4,000,000 from local funds shall be for anticipated
23 costs associated with the No Child Left Behind Act.

1 PAY-AS-YOU-GO CAPITAL

2 For Pay-As-You-Go Capital funds in lieu of capital
3 financing, \$6,531,000 from local funds, to be transferred
4 to the Capital Fund, subject to the Criteria for Spending
5 Pay-as-You-Go Funding Amendment Act of 2003 (D.C.
6 Act 15–106): *Provided*, That pursuant to this Act, there
7 are authorized to be transferred from Pay-As-You-Go
8 Capital funds to other headings of this Act, such sums
9 as may be necessary to carry out the purposes of this Act.

10 EMERGENCY PLANNING AND SECURITY FUND

11 For Emergency Planning and Security Fund,
12 \$15,000,000 from funds previously appropriated in this
13 Act under the heading “Federal Payment for Planning
14 and Security Costs in the District of Columbia”.

15 OLD CONVENTION CENTER DEMOLITION RESERVE

16 For the Old Convention Center Demolition Reserve,
17 such amounts as may be necessary, not to exceed
18 \$11,000,000, from the District’s general fund balance.

19 TAX INCREMENT FINANCING PROGRAM

20 For a Tax Increment Financing Program, such
21 amounts as are necessary to meet the Tax Increment Fi-
22 nancing requirements, not to exceed \$9,710,000 from the
23 District’s general fund balance.

1 PAY-AS-YOU-GO CONTINGENCY

2 For Pay-As-You-Go Contingency Fund, \$43,137,000,
3 subject to the Criteria for Spending Pay-as-You-Go Fund-
4 ing Act of 2004, approved by the Council of the District
5 of Columbia on 1st reading, May 14, 2004 (Title I of Bill
6 15–768), there are authorized to be transferred from the
7 contingency fund to certain other headings of this Act as
8 necessary to carry out the purposes of this Act. Expendi-
9 tures from the Pay-As-You-Go Contingency Fund shall be
10 subject to the approval of the Council by resolution.

11 REVISED REVENUE ESTIMATE CONTINGENCY PRIORITY

12 If the Chief Financial Officer for the District of Co-
13 lumbia certifies through a revised revenue estimate that
14 funds are available from local funds, such available funds
15 shall be expended as provided in the Contingency for Rec-
16 ordation and Transfer Tax Reduction and the Office of
17 Property Management and Library Expenditures Act of
18 2004, approved by the Council of the District of Columbia
19 on 1st reading, May 14, 2004 (Bill 15–768), including up
20 to \$2,000,000 to the Office of Property Management, up
21 to \$1,200,000 to the District of Columbia Public Library,
22 up to \$256,000 to the D.C. Police and Firefighters Retire-
23 ment and Relief Board, and \$132,600 for the Police and
24 Fire Clinic.

1 ENTERPRISE AND OTHER FUNDS

2 WATER AND SEWER AUTHORITY

3 For operation of the Water and Sewer Authority,
4 \$287,206,000 from other funds, of which \$15,180,402
5 shall be apportioned for repayment of loans and interest
6 incurred for capital improvement projects and payable to
7 the District's debt service fund.

8 For construction projects, \$371,040,000, to be dis-
9 tributed as follows: \$181,656,000 for the Blue Plains
10 Wastewater Treatment Plant, \$43,800,000 for the sewer
11 program, \$9,118,000 for the stormwater program,
12 \$122,627,000 for the water program, and \$13,839,000 for
13 the capital equipment program; in addition, \$10,000,000
14 from funds previously appropriated in this Act under the
15 heading "Federal Payment to the District of Columbia
16 Water and Sewer Authority": *Provided*, That the require-
17 ments and restrictions that are applicable to general fund
18 capital improvement projects and set forth in this Act
19 under the Capital Outlay appropriation account shall
20 apply to projects approved under this appropriation ac-
21 count.

22 WASHINGTON AQUEDUCT

23 For operation of the Washington Aqueduct,
24 \$47,972,000 from other funds.

1 STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

2 For operation of the Stormwater Permit Compliance
3 Enterprise Fund, \$3,792,000 from other funds.

4 LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

5 For the Lottery and Charitable Games Enterprise
6 Fund, established by the District of Columbia Appropria-
7 tion Act, 1982, for the purpose of implementing the Law
8 to Legalize Lotteries, Daily Numbers Games, and Bingo
9 and Raffles for Charitable Purposes in the District of Co-
10 lumbia (D.C. Law 3–172; D.C. Official Code, sec. 3–1301
11 et seq. and sec. 22–1716 et seq.), \$247,000,000 from
12 other funds: *Provided*, That the District of Columbia shall
13 identify the source of funding for this appropriation title
14 from the District’s own locally generated revenues: *Pro-*
15 *vided further*, That no revenues from Federal sources shall
16 be used to support the operations or activities of the Lot-
17 tery and Charitable Games Control Board: *Provided fur-*
18 *ther*, That the Lottery and Charitable Games Enterprise
19 Fund is hereby authorized to make transfers to the gen-
20 eral fund of the District of Columbia, in excess of this
21 appropriation, if such funds are available for transfer.

22 SPORTS AND ENTERTAINMENT COMMISSION

23 For the Sports and Entertainment Commission,
24 \$7,322,000 from other funds: *Provided*, That the para-
25 graph under the heading “Sports and Entertainment

1 Commission” in Public Law 108–199 (118 Stat. 125) is
 2 amended by striking the term “local funds” and inserting
 3 the term “other funds” in its place.

4 DISTRICT OF COLUMBIA RETIREMENT BOARD

5 For the District of Columbia Retirement Board, es-
 6 tablished pursuant to section 121 of the District of Colum-
 7 bia Retirement Reform Act of 1979 (D.C. Official Code,
 8 sec. 1–711), \$15,277,000 from the earnings of the appli-
 9 cable retirement funds to pay legal, management, invest-
 10 ment, and other fees and administrative expenses of the
 11 District of Columbia Retirement Board: *Provided*, That
 12 the District of Columbia Retirement Board shall provide
 13 to the Congress and to the Council of the District of Co-
 14 lumbia a quarterly report of the allocations of charges by
 15 fund and of expenditures of all funds: *Provided further*,
 16 That the District of Columbia Retirement Board shall pro-
 17 vide the Mayor, for transmittal to the Council of the Dis-
 18 trict of Columbia, an itemized accounting of the planned
 19 use of appropriated funds in time for each annual budget
 20 submission and the actual use of such funds in time for
 21 each annual audited financial report.

22 WASHINGTON CONVENTION CENTER ENTERPRISE FUND

23 For the Washington Convention Center Enterprise
 24 Fund, \$77,176,000 from other funds.

1 NATIONAL CAPITAL REVITALIZATION CORPORATION

2 For the National Capital Revitalization Corporation,
3 \$7,850,000 from other funds.

4 UNIVERSITY OF THE DISTRICT OF COLUMBIA

5 For the University of the District of Columbia,
6 \$85,102,000 (including, \$49,602,000 from local funds
7 previously appropriated in this Act under the heading
8 “Public Education Systems”, \$15,192,000 from Federal
9 funds, \$19,434,000 from other funds, and \$873,000 from
10 private funds): *Provided*, That this appropriation shall not
11 be available to subsidize the education of nonresidents of
12 the District of Columbia at the University of the District
13 of Columbia, unless the Board of Trustees of the Univer-
14 sity of the District of Columbia adopts, for the fiscal year
15 ending September 30, 2005, a tuition rate schedule that
16 will establish the tuition rate for nonresident students at
17 a level no lower than the nonresident tuition rate charged
18 at comparable public institutions of higher education in
19 the metropolitan area.

20 UNEMPLOYMENT COMPENSATION FUND

21 For the Unemployment Compensation Fund,
22 \$180,000,000 from other funds.

23 DISTRICT OF COLUMBIA PERSONNEL TRUST FUND

24 For the District of Columbia Personnel Trust Fund,
25 \$953,000 from other funds.

1 DISTRICT OF COLUMBIA PUBLIC LIBRARY TRUST FUND

2 For the District of Columbia Public Library Trust
 3 Fund, \$17,000 from other funds: *Provided*, That \$7,000
 4 shall be for the Theodore W. Noyes Trust Fund: *Provided*
 5 *further*, That \$10,000 shall be for the Peabody Trust
 6 Fund.

7 CAPITAL OUTLAY

8 (INCLUDING RESCISSIONS)

9 For construction projects, an increase of
 10 \$1,087,649,000, of which \$839,897,000 shall be from
 11 local funds, \$38,542,000 from Highway Trust funds,
 12 \$37,000,000 from the Rights-of-way funds, \$172,209,000
 13 from Federal funds, and a rescission of \$367,763,000
 14 from local funds appropriated under this heading in prior
 15 fiscal years, for a net amount of \$725,886,000, to remain
 16 available until expended; in addition, \$7,000,000 from
 17 funds previously appropriated in this Act under the head-
 18 ing “Federal Payment for the Unified Communications
 19 Center” and \$3,000,000 from funds previously appro-
 20 priated in this Act under the heading “Federal Payment
 21 for the Anacostia Waterfront Initiative”: *Provided*, That
 22 funds for use of each capital project implementing agency
 23 shall be managed and controlled in accordance with all
 24 procedures and limitations established under the Financial
 25 Management System: *Provided further*, That all funds pro-

1 vided by this appropriation title shall be available only for
 2 the specific projects and purposes intended: *Provided fur-*
 3 *ther*, That the Office of the Chief Technology Officer of
 4 the District of Columbia shall implement the following in-
 5 formation technology projects on behalf of the District of
 6 Columbia Public Schools: Student Information System
 7 (project number T2240), Student Information System
 8 PCS (project number T2241), Enterprise Resource Plan-
 9 ning (project number T2242), E-Rate (project number
 10 T2243), and SETS Expansion PCS (project number
 11 T2244).

12 TITLE III—GENERAL PROVISIONS

13 SEC. 301. Whenever in this Act, an amount is speci-
 14 fied within an appropriation for particular purposes or ob-
 15 jects of expenditure, such amount, unless otherwise speci-
 16 fied, shall be considered as the maximum amount that
 17 may be expended for said purpose or object rather than
 18 an amount set apart exclusively therefor.

19 SEC. 302. Appropriations in this Act shall be avail-
 20 able for expenses of travel and for the payment of dues
 21 of organizations concerned with the work of the District
 22 of Columbia government, when authorized by the Mayor:
 23 *Provided*, That in the case of the Council of the District
 24 of Columbia, funds may be expended with the authoriza-
 25 tion of the Chairman of the Council.

1 SEC. 303. There are appropriated from the applicable
2 funds of the District of Columbia such sums as may be
3 necessary for making refunds and for the payment of legal
4 settlements or judgments that have been entered against
5 the District of Columbia government.

6 SEC. 304. No part of any appropriation contained in
7 this Act shall remain available for obligation beyond the
8 current fiscal year unless expressly to provided herein.

9 SEC. 305. None of the funds appropriated in this Act
10 shall be made available to pay the salary of any employee
11 of the District of Columbia government whose name, title,
12 grade, and salary are not available for inspection by the
13 Committees on Appropriations of the House of Represent-
14 atives and Senate, the Committee on Government Reform
15 of the House of Representatives, the Committee on Gov-
16 ernmental Affairs of the Senate, and the Council of the
17 District of Columbia, or their duly authorized representa-
18 tive.

19 SEC. 306. None of the Federal funds provided in this
20 Act may be used for publicity or propaganda purposes or
21 implementation of any policy including boycott designed
22 to support or defeat legislation pending before Congress
23 or any State legislature.

1 SEC. 307. (a) None of the Federal funds provided in
2 this Act may be used to carry out lobbying activities on
3 any matter.

4 (b) Nothing in this section may be construed to pro-
5 hibit any elected official from advocating with respect to
6 any issue.

7 SEC. 308. (a) None of the funds provided under this
8 Act to the agencies funded by this Act, both Federal and
9 District government agencies, that remain available for
10 obligation or expenditure in fiscal year 2005, or provided
11 from any accounts in the Treasury of the United States
12 derived by the collection of fees available to the agencies
13 funded by this Act, shall be available for obligation or ex-
14 penditures for an agency through a reprogramming of
15 funds which—

16 (1) creates new programs;

17 (2) eliminates a program, project, or responsi-
18 bility center;

19 (3) establishes or changes allocations specifi-
20 cally denied, limited or increased under this Act;

21 (4) increases funds or personnel by any means
22 for any program, project, or responsibility center for
23 which funds have been denied or restricted;

24 (5) reestablishes any program or project pre-
25 viously deferred through reprogramming;

1 (6) augments any existing program, project, or
2 responsibility center through a reprogramming of
3 funds in excess of \$1,000,000 or 10 percent, which-
4 ever is less; or

5 (7) increases by 20 percent or more personnel
6 assigned to a specific program, project or responsi-
7 bility center, unless the Committee on Appropria-
8 tions of the House of Representatives and Senate
9 are notified in writing 15 days in advance of the re-
10 programming.

11 (b) None of the local funds contained in this Act may
12 be available for obligation or expenditure for an agency
13 through a transfer of any local funds in excess of
14 \$1,000,000 from one appropriation heading to another un-
15 less the Committees on Appropriations of the House of
16 Representatives and Senate are notified in writing 15 days
17 in advance of the transfer, except that in no event may
18 the amount of any funds transferred exceed 4 percent of
19 the local funds in the appropriations.

20 SEC. 309. Consistent with the provisions of section
21 1301(a) of title 31, United States Code, appropriations
22 under this Act shall be applied only to the objects for
23 which the appropriations were made except as otherwise
24 provided by law.

1 SEC. 310. Notwithstanding any other provisions of
2 law, the provisions of the District of Columbia Govern-
3 ment Comprehensive Merit Personnel Act of 1978 (D.C.
4 Law 2–139; D.C. Official Code, sec. 1–601.01 et seq.),
5 enacted pursuant to section 422(3) of the District of Co-
6 lumbia Home Rule Act (D.C. Official Code, sec. 1–
7 2041.22(3)), shall apply with respect to the compensation
8 of District of Columbia employees: *Provided*, That for pay
9 purposes, employees of the District of Columbia govern-
10 ment shall not be subject to the provisions of title 5,
11 United States Code.

12 SEC. 311. No later than 30 days after the end of the
13 first quarter of fiscal year 2005, the Mayor of the District
14 of Columbia shall submit to the Council of the District
15 of Columbia and the Committees on Appropriations of the
16 House of Representatives and Senate the new fiscal year
17 2005 revenue estimates as of the end of such quarter.
18 These estimates shall be used in the budget request for
19 fiscal year 2005. The officially revised estimates at mid-
20 year shall be used for the midyear report.

21 SEC. 312. No sole source contract with the District
22 of Columbia government or any agency thereof may be re-
23 newed or extended without opening that contract to the
24 competitive bidding process as set forth in section 303 of
25 the District of Columbia Procurement Practices Act of

1 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–303.03),
2 except that the District of Columbia government or any
3 agency thereof may renew or extend sole source contracts
4 for which competition is not feasible or practical, but only
5 if the determination as to whether to invoke the competi-
6 tive bidding process has been made in accordance with
7 duly promulgated rules and procedures and has been re-
8 viewed and certified by the Chief Financial Officer of the
9 District of Columbia.

10 SEC. 313. None of the Federal funds provided in this
11 Act may be used by the District of Columbia to provide
12 for salaries, expenses, or other costs associated with the
13 offices of United States Senator or United States Rep-
14 resentative under section 4(d) of the District of Columbia
15 Statehood Constitutional Convention Initiatives of 1979
16 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

17 SEC. 314. None of the funds appropriated under this
18 Act shall be expended for any abortion except where the
19 life of the mother would be endangered if the fetus were
20 carried to term or where the pregnancy is the result of
21 an act of rape or incest.

22 SEC. 315. None of the Federal funds made available
23 in this Act may be used to implement or enforce the
24 Health Care Benefits Expansion Act of 1992 (D.C. Law
25 9–114; D.C. Official Code, sec. 32–701 et seq.) or to oth-

1 erwise implement or enforce any system of registration of
2 unmarried, cohabiting couples, including but not limited
3 to registration for the purpose of extending employment,
4 health, or governmental benefits to such couples on the
5 same basis that such benefits are extended to legally mar-
6 ried couples.

7 SEC. 316. (a) Notwithstanding any other provision
8 of this Act, the Mayor, in consultation with the Chief Fi-
9 nancial Officer of the District of Columbia may accept,
10 obligate, and expend Federal, private, and other grants
11 received by the District government that are not reflected
12 in the amounts appropriated in this Act.

13 (b)(1) No such Federal, private, or other grant may
14 be accepted, obligated, or expended pursuant to subsection
15 (a) until—

16 (A) the Chief Financial Officer of the District
17 of Columbia submits to the Council a report setting
18 forth detailed information regarding such grant; and

19 (B) the Council has reviewed and approved the
20 acceptance, obligation, and expenditure of such
21 grant.

22 (2) For purposes of paragraph (1)(B), the Council
23 shall be deemed to have reviewed and approved the accept-
24 ance, obligation, and expenditure of a grant if—

1 (A) no written notice of disapproval is filed with
2 the Secretary of the Council within 14 calendar days
3 of the receipt of the report from the Chief Financial
4 Officer under paragraph (1)(A); or

5 (B) if such a notice of disapproval is filed with-
6 in such deadline, the Council does not by resolution
7 disapprove the acceptance, obligation, or expenditure
8 of the grant within 30 calendar days of the initial
9 receipt of the report from the Chief Financial Offi-
10 cer under paragraph (1)(A).

11 (c) No amount may be obligated or expended from
12 the general fund or other funds of the District of Colum-
13 bia government in anticipation of the approval or receipt
14 of a grant under subsection (b)(2) or in anticipation of
15 the approval or receipt of a Federal, private, or other
16 grant not subject to such subsection.

17 (d) The Chief Financial Officer of the District of Co-
18 lumbia may adjust the budget for Federal, private, and
19 other grants received by the District government reflected
20 in the amounts appropriated in this Act, or approved and
21 received under subsection (b)(2) to reflect a change in the
22 actual amount of the grant.

23 (e) The Chief Financial Officer of the District of Co-
24 lumbia shall prepare a quarterly report setting forth de-
25 tailed information regarding all Federal, private, and

1 other grants subject to this section. Each such report shall
2 be submitted to the Council of the District of Columbia
3 and to the Committees on Appropriations of the House
4 of Representatives and Senate not later than 15 days after
5 the end of the quarter covered by the report.

6 SEC. 317. (a) Except as otherwise provided in this
7 section, none of the funds made available by this Act or
8 by any other Act may be used to provide any officer or
9 employee of the District of Columbia with an official vehi-
10 cle unless the officer or employee uses the vehicle only in
11 the performance of the officer's or employee's official du-
12 ties. For purposes of this paragraph, the term "official
13 duties" does not include travel between the officer's or em-
14 ployee's residence and workplace, except in the case of—

15 (1) an officer or employee of the Metropolitan
16 Police Department who resides in the District of Co-
17 lumbia or is otherwise designated by the Chief of the
18 Department;

19 (2) an officer or employee of the District of Co-
20 lumbia Fire and Emergency Medical Services De-
21 partment who resides in the District of Columbia
22 and is on call 24 hours a day or is otherwise des-
23 ignated by the Fire Chief;

24 (3) the Mayor of the District of Columbia; and

1 (4) the Chairman of the Council of the District
2 of Columbia.

3 (b) The Chief Financial Officer of the District of Co-
4 lumbia shall submit by March 1, 2005, an inventory, as
5 of September 30, 2004, of all vehicles owned, leased or
6 operated by the District of Columbia government. The in-
7 ventory shall include, but not be limited to, the depart-
8 ment to which the vehicle is assigned; the year and make
9 of the vehicle; the acquisition date and cost; the general
10 condition of the vehicle; annual operating and mainte-
11 nance costs; current mileage; and whether the vehicle is
12 allowed to be taken home by a District officer or employee
13 and if so, the officer or employee's title and resident loca-
14 tion.

15 SEC. 318. None of the funds contained in this Act
16 may be used for purposes of the annual independent audit
17 of the District of Columbia government for fiscal year
18 2005 unless—

19 (1) the audit is conducted by the Inspector
20 General of the District of Columbia, in coordination
21 with the Chief Financial Officer of the District of
22 Columbia, pursuant to section 208(a)(4) of the Dis-
23 trict of Columbia Procurement Practices Act of
24 1985 (D.C. Official Code, sec. 2–302.8); and

1 (2) the audit includes as a basic financial state-
2 ment a comparison of audited actual year-end re-
3 sults with the revenues submitted in the budget doc-
4 ument for such year and the appropriations enacted
5 into law for such year using the format, terminology,
6 and classifications contained in the law making the
7 appropriations for the year and its legislative his-
8 tory.

9 SEC. 319. (a) None of the Federal funds contained
10 in this Act may be used by the District of Columbia Cor-
11 poration Counsel or any other officer or entity of the Dis-
12 trict government to provide assistance for any petition
13 drive or civil action which seeks to require Congress to
14 provide for voting representation in Congress for the Dis-
15 trict of Columbia.

16 (b) Nothing in this section bars the District of Co-
17 lumbia Corporation Counsel from reviewing or com-
18 menting on briefs in private lawsuits, or from consulting
19 with officials of the District government regarding such
20 lawsuits.

21 SEC. 320. (a) None of the Federal funds contained
22 in this Act may be used for any program of distributing
23 sterile needles or syringes for the hypodermic injection of
24 any illegal drug.

1 (b) Any individual or entity who receives any funds
2 contained in this Act and who carries out any program
3 described in subsection (a) shall account for all funds used
4 for such program separately from any funds contained in
5 this Act.

6 SEC. 321. None of the funds contained in this Act
7 may be used after the expiration of the 60-day period that
8 begins on the date of the enactment of this Act to pay
9 the salary of any chief financial officer of any office of
10 the District of Columbia government (including any inde-
11 pendent agency of the District of Columbia) who has not
12 filed a certification with the Mayor and the Chief Finan-
13 cial Officer of the District of Columbia that the officer
14 understands the duties and restrictions applicable to the
15 officer and the officer's agency as a result of this Act (and
16 the amendments made by this Act), including any duty
17 to prepare a report requested either in the Act or in any
18 of the reports accompanying the Act and the deadline by
19 which each report must be submitted. The Chief Financial
20 Officer of the District of Columbia shall provide to the
21 Committees on Appropriations of the House of Represent-
22 atives and Senate by the 10th day after the end of each
23 quarter a summary list showing each report, the due date,
24 and the date submitted to the Committees.

1 SEC. 322. (a) None of the funds contained in this
2 Act may be used to enact or carry out any law, rule, or
3 regulation to legalize or otherwise reduce penalties associ-
4 ated with the possession, use, or distribution of any sched-
5 ule I substance under the Controlled Substances Act (21
6 U.S.C. 802) or any tetrahydrocannabinols derivative.

7 (b) The Legalization of Marijuana for Medical Treat-
8 ment Initiative of 1998, also known as Initiative 59, ap-
9 proved by the electors of the District of Columbia on No-
10 vember 3, 1998, shall not take effect.

11 SEC. 323. Nothing in this Act may be construed to
12 prevent the Council or Mayor of the District of Columbia
13 from addressing the issue of the provision of contraceptive
14 coverage by health insurance plans, but it is the intent
15 of Congress that any legislation enacted on such issue
16 should include a “conscience clause” which provides excep-
17 tions for religious beliefs and moral convictions.

18 SEC. 324. The Mayor of the District of Columbia
19 shall submit to the Committees on Appropriations of the
20 House of Representatives and Senate, the Committee on
21 Government Reform of the House of Representatives, and
22 the Committee on Governmental Affairs of the Senate
23 quarterly reports addressing—

24 (1) crime, including the homicide rate, imple-
25 mentation of community policing, the number of po-

1 lice officers on local beats, and the closing down of
2 open-air drug markets;

3 (2) access to substance and alcohol abuse treat-
4 ment, including the number of treatment slots, the
5 number of people served, the number of people on
6 waiting lists, and the effectiveness of treatment pro-
7 grams;

8 (3) management of parolees and pre-trial vio-
9 lent offenders, including the number of halfway
10 houses escapes and steps taken to improve moni-
11 toring and supervision of halfway house residents to
12 reduce the number of escapes to be provided in con-
13 sultation with the Court Services and Offender Su-
14 pervision Agency for the District of Columbia;

15 (4) education, including access to special edu-
16 cation services and student achievement to be pro-
17 vided in consultation with the District of Columbia
18 Public Schools and the District of Columbia public
19 charter schools;

20 (5) improvement in basic District services, in-
21 cluding rat control and abatement;

22 (6) application for and management of Federal
23 grants, including the number and type of grants for
24 which the District was eligible but failed to apply
25 and the number and type of grants awarded to the

1 District but for which the District failed to spend
2 the amounts received; and

3 (7) indicators of child well-being.

4 SEC. 325. (a) No later than 30 calendar days after
5 the date of the enactment of this Act, the Chief Financial
6 Officer of the District of Columbia shall submit to the ap-
7 propriate committees of Congress, the Mayor, and the
8 Council of the District of Columbia a revised appropriated
9 funds operating budget in the format of the budget that
10 the District of Columbia government submitted pursuant
11 to section 442 of the District of Columbia Home Rule Act
12 (D.C. Official Code, sec. 1–204.42), for all agencies of the
13 District of Columbia government for fiscal year 2004 that
14 is in the total amount of the approved appropriation and
15 that realigns all budgeted data for personal services and
16 other-than-personal-services, respectively, with anticipated
17 actual expenditures.

18 (b) APPLICABILITY.—This provision shall apply only
19 to an agency where the Chief Financial Officer of the Dis-
20 trict of Columbia certifies that a reallocation is required
21 to address unanticipated changes in program require-
22 ments.

23 SEC. 326. None of the funds contained in this Act
24 may be used to issue, administer, or enforce any order
25 by the District of Columbia Commission on Human Rights

1 relating to docket numbers 93–030–(PA) and 93–031–
2 (PA).

3 SEC. 327. Notwithstanding any other law, the Dis-
4 trict of Columbia Courts shall transfer to the general
5 treasury of the District of Columbia all fines levied and
6 collected by the Courts under section 10(b)(1) and (2) of
7 the District of Columbia Traffic Act (D.C. Official Code,
8 sec. 50–2201.05(b)(1) and (2)). The transferred funds
9 shall remain available until expended and shall be used
10 by the Office of the Corporation Counsel for enforcement
11 and prosecution of District traffic alcohol laws in accord-
12 ance with section 10(b)(3) of the District of Columbia
13 Traffic Act (D.C. Official Code, sec. 50–2201.05(b)(3)).

14 SEC. 328. None of the funds contained in this Act
15 may be made available to pay—

16 (1) the fees of an attorney who represents a
17 party in an action or an attorney who defends an ac-
18 tion, including an administrative proceeding, brought
19 against the District of Columbia Public Schools
20 under the Individuals with Disabilities Education
21 Act (20 U.S.C. 1400 et seq.) in excess of \$4,000 for
22 that action; or

23 (2) the fees of an attorney or firm whom the
24 Chief Financial Officer of the District of Columbia
25 determines to have a pecuniary interest, either

1 through an attorney, officer or employee of the firm,
2 in any special education diagnostic services, schools,
3 or other special education service providers.

4 SEC. 329. The Chief Financial Officer of the District
5 of Columbia shall require attorneys in special education
6 cases brought under the Individuals with Disabilities Act
7 (IDEA) in the District of Columbia to certify in writing
8 that the attorney or representative rendered any and all
9 services for which they receive awards, including those re-
10 ceived under a settlement agreement or as part of an ad-
11 ministrative proceeding, under the IDEA from the District
12 of Columbia: *Provided*, That as part of the certification,
13 the Chief Financial Officer of the District of Columbia
14 shall require all attorneys in IDEA cases to disclose any
15 financial, corporate, legal, memberships on boards of di-
16 rectors, or other relationships with any special education
17 diagnostic services, schools, or other special education
18 service providers to which the attorneys have referred any
19 clients as part of this certification: *Provided further*, That
20 the Chief Financial Officer shall prepare and submit quar-
21 terly reports to the Committees on Appropriations of the
22 House of Representatives and Senate on the certification
23 of and the amount paid by the government of the District
24 of Columbia, including the District of Columbia Public
25 Schools, to attorneys in cases brought under IDEA: *Pro-*

1 *vided further*, That the Inspector General of the District
2 of Columbia may conduct investigations to determine the
3 accuracy of the certifications.

4 SEC. 330. Section 401(a) and (b) of Chapter 4 of
5 Public Law 106–554 is hereby amended by striking para-
6 graph (5).

7 SEC. 331. Sections 11–1701(b)(5), 11–1704(b), 11–
8 1723(b), 11–2102(a)(2), and the second and third sen-
9 tences of Section 11–1724, of the District of Columbia
10 Official Code, are hereby repealed.

11 SEC. 332. Section 11–1728 of the District of Colum-
12 bia Official Code, is amended to read as follows:

13 **“SEC. 11–1728. RECRUITMENT AND TRAINING OF PER-**
14 **SONNEL AND TRAVEL.**

15 “(a) The Executive Officer shall be responsible for
16 recruiting such qualified personnel as may be necessary
17 for the District of Columbia Courts and for providing in-
18 service training for court personnel.

19 “(b) Travel under Federal supply schedules is author-
20 ized for the travel of court personnel on official business.
21 The joint committee shall prescribe such requirements,
22 conditions and restrictions for such travel as it considers
23 appropriate, and shall include policies and procedures for
24 preventing abuses of that travel authority.”.

1 SEC. 333. Section 450A of the District of Columbia
2 Home Rule Act, approved December 24, 1973 (87 Stat.
3 803; D.C. Official Code, sec. 1–204.50a), is amended as
4 follows:

5 (1) Subsection (a) is amended as follows:

6 (A) Paragraph (1) is amended to read as
7 follows:

8 “(1) IN GENERAL.—There is established an
9 emergency cash reserve fund (‘emergency reserve
10 fund’) as an interest-bearing account (separate from
11 other accounts in the General Fund) into which the
12 Mayor shall make a deposit in cash not later than
13 October 1 of each fiscal year of such an amount as
14 may be required to maintain a balance in the fund
15 of at least 2 percent of the operating expenditures
16 as defined in paragraph (2) of this subsection or
17 such amount as may be required for deposit in a fis-
18 cal year in which the District is replenishing the
19 emergency reserve fund pursuant to subsection
20 (a)(7).”.

21 (B) Paragraph (2) is amended to read as
22 follows:

23 “(2) IN GENERAL.—For the purpose of this
24 subsection, operating expenditures is defined as the
25 amount reported in the District of Columbia’s Com-

1 prehensive Annual Financial Report for the fiscal
2 year immediately preceding the current fiscal year as
3 the actual operating expenditure from local funds,
4 less such amounts that are attributed to debt service
5 payments for which a separate reserve fund is al-
6 ready established under this Act.”.

7 (C) Paragraph (7) is amended to read as
8 follows:

9 “(7) REPLENISHMENT.—The District of Co-
10 lumbia shall appropriate sufficient funds each fiscal
11 year in the budget process to replenish any amounts
12 allocated from the emergency reserve fund during
13 the preceding fiscal years so that not less than 50
14 percent of any amount allocated in the preceding fis-
15 cal year or the amount necessary to restore the
16 emergency reserve fund to the 2 percent required
17 balance, whichever is less, is replenished by the end
18 of the first fiscal year following each such allocation
19 and 100 percent of the amount allocated or the
20 amount necessary to restore the emergency reserve
21 fund to the 2 percent required balance, whichever is
22 less, is replenished by the end of the second fiscal
23 year following each such allocation.”.

24 (2) Subsection (b) is amended as follows:

1 (A) Paragraph (1) is amended to read as
2 follows:

3 “(1) IN GENERAL.—There is established a con-
4 tingency cash reserve fund (‘contingency reserve
5 fund’) as an interest-bearing account, separate from
6 other accounts in the General Fund, into which the
7 Mayor shall make a deposit in cash not later than
8 October 1 of each fiscal year of such amount as may
9 be required to maintain a balance in the fund of at
10 least 4 percent of the operating expenditures as de-
11 fined in paragraph (2) of this subsection or such
12 amount as may be required for deposit in a fiscal
13 year in which the District is replenishing the emer-
14 gency reserve fund pursuant to subsection (b)(6).”.

15 (B) Paragraph (2) is amended to read as
16 follows:

17 “(2) IN GENERAL.—For the purpose of this
18 subsection, operating expenditures is defined as the
19 amount reported in the District of Columbia’s Com-
20 prehensive Annual Financial Report for the fiscal
21 year immediately preceding the current fiscal year as
22 the actual operating expenditure from local funds,
23 less such amounts that are attributed to debt service
24 payments for which a separate reserve fund is al-
25 ready established under this Act.”.

1 (C) Paragraph (6) is amended to read as
2 follows:

3 “(6) REPLENISHMENT.—The District of Co-
4 lumbia shall appropriate sufficient funds each fiscal
5 year in the budget process to replenish any amounts
6 allocated from the contingency reserve fund during
7 the preceding fiscal years so that not less than 50
8 percent of any amount allocated in the preceding fis-
9 cal year or the amount necessary to restore the con-
10 tingency reserve fund to the 4 percent required bal-
11 ance, whichever is less, is replenished by the end of
12 the first fiscal year following each such allocation
13 and 100 percent of the amount allocated or the
14 amount necessary to restore the contingency reserve
15 fund to the 4 percent required balance, whichever is
16 less, is replenished by the end of the second fiscal
17 year following each such allocation.”.

18 SEC. 334. For fiscal year 2005, the Chief Financial
19 Officer shall re-calculate the emergency and contingency
20 cash reserve funds amount established by Section 450A
21 of the District of Columbia Home Rule Act, approved De-
22 cember 24, 1973 (87 Stat. 803; D.C. Official Code, sec.
23 1–204.50a), as amended by this Act and is authorized to
24 transfer funds between the emergency and contingency
25 cash reserve funds to reach the required percentages: *Pro-*

1 *vided*, That for fiscal year 2005, the Chief Financial Offi-
2 cer may transfer funds from the emergency and contin-
3 gency cash reserve funds to the general fund of the Dis-
4 trict of Columbia to the extent that such funds are not
5 necessary to meet the requirements established for each
6 fund: *Provided further*, That the Chief Financial Officer
7 may not transfer funds from the emergency or the contin-
8 gency reserve funds to the extent that such a transfer
9 would lower the fiscal year 2005 total percentage below
10 7 percent of operating expenditures, as amended by this
11 Act.

12 SEC. 335. Section 6 of the Policemen and Firemen's
13 Retirement and Disability Act, approved August 21, 1957
14 (Public Law 85-157; 71 Stat. 399; D.C. Official Code
15 § 5-732) is amended by striking the phrase "of this chap-
16 ter, to the extent that such benefit payments exceed the
17 deductions from the salaries of federal employees for cred-
18 it to the revenues of the District of Columbia." and insert-
19 ing the phrase "of this chapter and to reimburse the Dis-
20 trict of Columbia for the administrative costs associated
21 with making such benefit payments for credit to the reve-
22 nues of the District of Columbia: *Provided*, That benefit
23 payment reimbursement shall only be to the extent that
24 such benefit payments exceed the deductions from the sal-
25 aries of federal employees." in its place.

1 SEC. 336. Notwithstanding any other provision of
2 this Act, there is hereby appropriated for the Office of
3 the Inspector General such amounts in local funds, as are
4 consistent with the annual estimates for the expenditures
5 and appropriations necessary for the operation of the Of-
6 fice of the Inspector General as prepared by the Inspector
7 General and submitted to the Mayor and forwarded to the
8 Council pursuant to D.C. Official Code 2–302.08(a)(2)(A)
9 for fiscal year 2005: *Provided*, That the Office of the Chief
10 Financial Officer shall take such steps as are necessary
11 to implement the provisions of this subsection.

12 SEC. 337. The authority which the Chief Financial
13 Officer of the District of Columbia exercised with respect
14 to personnel, procurement, and the preparation of fiscal
15 impact statements during a control period (as defined in
16 Public Law 104–8) shall remain in effect through Sep-
17 tember 30, 2005.

18 SEC. 338. The paragraph under the heading “Federal
19 Payment for Incentives for Adoption of Children” in Pub-
20 lic Law 106–113, approved November 29, 1999 (113 Stat.
21 1501), is amended to add the following proviso: “: *Pro-*
22 *vided further*, That the funds provided under this heading
23 for the establishment of a scholarship fund for District
24 of Columbia children of adoptive families, and District of
25 Columbia children without parents due to the September

1 11, 2001 terrorist attack to be used for post high school
2 education and training, once obligated by the District to
3 establish the scholarship fund, shall remain obligated and
4 be retained by the District for 25 years from the date of
5 obligation to allow for any individual who is within the
6 class of persons to be assisted by this provision to reach
7 post high school and to present expenditures to be extin-
8 guished by the fund”.

9 SEC. 339. AUTHORITY OF OPCSFS. (a) Section
10 161(3)(E)(i) of Public Law 106–522 shall be amended to
11 include a new section known as (E)(i)(IV) to establish reg-
12 ulations for administering lease guarantees through the
13 credit enhancement fund to public charter schools in the
14 District of Columbia.

15 (b) The first sentence of section 143 of the District
16 of Columbia Appropriations Act of 2003 (Public Law
17 108–7, 117 STAT. 130) approved April 20, 2003 is
18 amended by striking the phrase, “under the authority of
19 the Department of Banking and Financial Institutions”
20 and inserting “under the authority of the Mayor” in its
21 place.

22 SEC. 340. PROCESS FOR FILING CHARTER PETI-
23 TIONS. D.C. Code § 38–1802.01 is amended by adding a
24 new section (e) as follows—

1 “(e) A petition to establish a public charter school
 2 in the District of Columbia, or to convert a District of
 3 Columbia public school or an existing private or inde-
 4 pendent school, is a public document.”.

5 SEC. 341. AMENDMENTS TO CHARTER SCHOOL LAW.

6 (a) PROCESS FOR FILING CHARTER PETITIONS.—Section
 7 2201 of the District of Columbia School Reform Act of
 8 1995 (D.C. Code 38–1802.01) is amended—

9 (1) in subsection (a)(3)(B), by striking “two-
 10 thirds” and inserting “51 percent”; and

11 (2) in subsection (b)(3)(B), by striking “two-
 12 thirds” and inserting “51 percent”.

13 (b) EMPLOYEES.—Section 2207 of the District of Co-
 14 lumbia School Reform Act of 1995 (D.C. Code 38–
 15 1802.07) is amended by adding at the end the following:

16 “(d) TEACHERS REMAINING AT CONVERTED PUBLIC
 17 CHARTER SCHOOLS.—A teacher employed at a District of
 18 Columbia public school that converts to a public charter
 19 school under section 2201 shall have the option of remain-
 20 ing at the charter school during the school’s first year of
 21 operation after receiving an extended leave of absence
 22 under subsection (a)(1). After this 1-year period, the
 23 teacher may continue to be employed at the public charter
 24 school, at the sole discretion of the public charter school,

1 or shall maintain current status within the District of Co-
 2 lumbia public school system.”.

3 (c) PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER
 4 SCHOOLS.—Section 2209(b) of the District of Columbia
 5 School Reform Act of 1995 (D.C. Code 38–1802.09(b))
 6 is amended—

7 (1) in paragraph (1)—

8 (A) by amending subparagraph (A) to read
 9 as follows:

10 “(A) IN GENERAL.—Notwithstanding any
 11 other provision of law, regulation, or order re-
 12 lating to the disposition of a facility or property
 13 described in subparagraph (B), or to the dis-
 14 position of any property of the District of Co-
 15 lumbia, the Mayor and the District of Columbia
 16 government shall give a right of first offer,
 17 which right shall be annually reinstated with re-
 18 spect to any facility or property not previously
 19 disposed of, or under contract to be disposed of,
 20 to an eligible applicant whose petition to estab-
 21 lish a public charter school has been condi-
 22 tionally approved under section 2203(d)(2), or
 23 a Board of Trustees, with respect to the pur-
 24 chase, lease, transfer, or use of a facility or
 25 property described in subparagraph (B).”;

1 (B) by amending subparagraph (B)(iii) to
2 read as follows:

3 “(iii) With respect to which—

4 “(I) the Board of Education has
5 transferred jurisdiction to the Mayor
6 and over which the Mayor has juris-
7 diction on the effective date of this
8 subclause; or

9 “(II) over which the Mayor or
10 any successor agency gains jurisdic-
11 tion after the effective date of this
12 subclause.”; and

13 (C) by adding at the end the following:

14 “(C) TERMS OF PURCHASE OR LEASE.—

15 The terms of purchase or lease of a facility or
16 property described in subparagraph (B) shall—

17 “(i) be negotiated by the Mayor;

18 “(ii) include rent or an acquisition
19 price, as applicable, that is at least 25 per-
20 cent less than the appraised value of the
21 property (based on use of the property for
22 school purposes); and

23 “(iii) include a lease period, if the
24 property is to be leased, of not less than
25 25 years, and renewable for additional 25-

1 year periods as long as the eligible appli-
 2 cant or Board of Trustees maintains its
 3 charter.”; and

4 (2) in paragraph (2)(A), by striking “pref-
 5 erence” and inserting “a right to first offer”; and

6 (3) by adding at the end the following:

7 “(3) CONVERSION PUBLIC CHARTER
 8 SCHOOLS.—Any District of Columbia public school
 9 that was approved to become a conversion public
 10 charter school under section 2201 before the effec-
 11 tive date of this subsection or is approved to become
 12 a conversion public charter school after the effective
 13 date of this subsection, shall have the right to exclu-
 14 sively occupy the facilities the school occupied as a
 15 District of Columbia public school under a lease for
 16 a period of not less than 25 years, renewable for ad-
 17 ditional 25-year periods as long as the school main-
 18 tains its charter at the non-profit rate, or if there
 19 is no non-profit rate, at 25 percent less than the fair
 20 market rate for school use.”.

21 SEC. 342. ANNUAL REPORT TO CONGRESS. Section
 22 2211 of the School Reform Act of 1995 (D.C. Code 38–
 23 1802.11) shall be amended by:

24 (1) adding the following new subparagraph at
 25 the end of section 2211(a)(1):

1 “(D) Shall ensure that each public charter
2 school complies with the annual reporting re-
3 quirement of subsection 38–1802.04(b)(11) of
4 this Act, including submission of the audited fi-
5 nancial statement required by sub-subsection
6 (B)(ix) of that section.”; and

7 (2) adding the following before the period at
8 the end of subparagraph (d): “(10) details of major
9 Board actions; (11) major findings from school re-
10 views of academic, financial, and compliance with
11 health and safety standards and resulting Board ac-
12 tion or recommendations; (12) details of the fifth
13 year review process and outcomes; (13) summary of
14 annual financial audits of all charter schools, includ-
15 ing (a) the number of schools that failed to timely
16 submit the audited financial statement required by
17 that section; (b) the number of schools whose audits
18 revealed a failure to follow required accounting prac-
19 tices or other material deficiencies; and (c) the steps
20 taken by the authority to ensure that deficiencies
21 found by the audits are rectified; (14) number of
22 schools which have required intervention by author-
23 izing board to address any academic or operational
24 issue; (15) what recommendations an authorizing
25 board has made to correct identified deficiencies”.

1 SEC. 343. LEASE TO DISTRICT OF COLUMBIA. (a)
2 LEASE.—

3 (1) IN GENERAL.—Not later than 90 days after
4 the date of enactment of this Act, subject to sub-
5 section (b), the Secretary of the Interior (referred to
6 in this section as the “Secretary”) shall lease to the
7 government of the District of Columbia, without
8 consideration, the property described in paragraph
9 (2).

10 (2) PROPERTY.—The property referred to in
11 paragraph (1) is—

12 (A) the National Park Service land in Ana-
13 costia Park, the boundaries of which are the
14 Anacostia River to the west, Watts Branch to
15 the south, Kenilworth Aquatic Gardens to the
16 north, and Anacostia Avenue to the east (US
17 Reservations 325 and 343, Section G); and

18 (B) the community center under the juris-
19 diction of the District of Columbia known as
20 the “Kenilworth Parkside Community Center”.

21 (b) CONDITIONS OF LEASE.—

22 (1) TERM.—The lease under subsection (a)(1)
23 shall be for a period of 50 years.

24 (2) TRANSFER OF TITLE.—The lease under
25 subsection (a)(1) shall be subject to such terms and

1 conditions, to be included in the lease, as are nec-
 2 essary to ensure that the property leased under that
 3 subsection—

4 (A) may be subleased by the District of
 5 Columbia to any public entity or private not-
 6 for-profit corporation under a public process;
 7 and

8 (B) is used only for the provision of public
 9 recreational facilities, open space, or public out-
 10 door recreational opportunities.

11 (C) Nothing in the Act precludes the Dis-
 12 trict of Columbia from entering into a sublease
 13 for all or part of the property with a public not-
 14 for-profit entity for the management or mainte-
 15 nance of the property.

16 (3) TERMINATION.—

17 (A) IN GENERAL.—The lease under sub-
 18 section (a)(1) shall terminate if—

19 (i) any term or condition of the lease
 20 described in paragraph (2) is violated, as
 21 determined by the Secretary; and

22 (ii) the violation is not corrected by
 23 the date that is 90 days after the date on
 24 which the Mayor of the District of Colum-

1 bia receives from the Secretary a written
2 notice of the violation.

3 (B) DETERMINATION OF CORRECTION.—A
4 violation of a term or condition of the lease
5 under subsection (a)(1) shall be determined to
6 have been corrected under subparagraph (A)(ii)
7 if, after notification of the violation, the District
8 of Columbia and the Secretary enter into an
9 agreement that the Secretary considers to be
10 adequate to ensure that the property leased will
11 be used in a manner consistent with paragraph
12 (2).

13 (4) PROHIBITION OF CIVIL ACTIONS.—No per-
14 son may bring a civil action relating to a violation
15 any term or condition of the lease described in para-
16 graph (2) before the date that is 90 days after the
17 person notifies the Mayor of the District of Colum-
18 bia of the alleged violation (including the intent of
19 the person to bring a civil action for termination of
20 the lease under paragraph (3)).

21 (5) REMOVAL OF STRUCTURES; REHABILITA-
22 TION.—The lease under subsection (a)(1) shall be
23 subject to the condition that, in the event of a termi-
24 nation of the lease under paragraph (3), the District

1 of Columbia shall bear the cost of removing struc-
 2 tures on, or rehabilitating, the property leased.

3 (6) ADMINISTRATION OF PROPERTY.—If the
 4 lease under subsection (a)(1) is terminated under
 5 paragraph (3), the property covered by the lease
 6 shall be administered by the Secretary as a unit of
 7 the National Park System in the District of Colum-
 8 bia in accordance with—

9 (A) the Act of August 25, 1916 (commonly
 10 known as the “National Park Service Organic
 11 Act”) (16 U.S.C. 1 et seq.); and

12 (B) other laws (including regulations) gen-
 13 erally applicable to units of the National Park
 14 System.

15 SEC. 344. BIENNIAL EVALUATION OF CHARTER
 16 SCHOOL AUTHORIZING BOARDS. (a) Biennial manage-
 17 ment evaluation of the District of Columbia Chartering
 18 Authorities for the District of Columbia Public Charter
 19 Schools shall be conducted by the Comptroller General of
 20 the United States.

21 (b) Evaluation shall include the following:

22 (1) Establish standards to assess each author-
 23 izer’s procedures and oversight quality;

24 (2) Identify gaps in oversight and recommenda-
 25 tions;

1 (3) Review processes of charter school applica-
2 tions;

3 (4) Extent of ongoing monitoring, technical as-
4 sistance, and sanctions provided to schools;

5 (5) Compliance with annual reporting require-
6 ments;

7 (6) Actual budget expenditures for the pre-
8 ceding two fiscal years;

9 (7) Comparison of budget expenditures with
10 mandated responsibilities;

11 (8) Alignment with best practices; and

12 (9) Quality and timeliness of meeting Section
13 2211(d) of the School Reform Act of 1995 (D.C.
14 Code 38–1802.11(d)), as amended.

15 (c) INITIAL INTERIM REPORT TO CONGRESS.—The
16 Government Accountability Office shall submit to the
17 Committees on Appropriations of the House of Represent-
18 atives and Senate, no later than May 1, 2005, a baseline
19 report on the performance of each authorizer in meeting
20 the requirements of the School Reform Act of 1995.

21 (d) Hereafter Section 2214(f) of Public Law 104–
22 143 (D.C. Code 38–1802.14(f)), shall apply to the District
23 of Columbia Board of Education Charter Schools Office.

24 SEC. 345. CLARIFYING OPERATIONS OF PUBLIC
25 CHARTER SCHOOL BOARD. Section 2214 of the School Re-

1 form Act of 1995 (Public Law 104–134; D.C. Code 38–
2 1802.14), is amended—

3 (1) by striking subsection (f) and inserting the
4 following:

5 “(f) AUDIT.—The Board shall maintain its accounts
6 according to Generally Accepted Accounting Principles for
7 Not-for-Profit Organizations. The Board shall provide for
8 an audit of the financial statements of the Board by an
9 independent certified public accountant in accordance with
10 Government auditing standards for financial audits issued
11 by the Comptroller General of the United States. The find-
12 ings and recommendations of any such audit shall be for-
13 warded to the Mayor, the District of Columbia Council,
14 the appropriate congressional committees, and the Office
15 of the Chief Financial Officer.”; and

16 (2) adding at the end the following:

17 “(h) CONTRACTING AND PROCUREMENT.—The
18 Board shall have the authority to solicit, award, and exe-
19 cute contracts independently of the Office of Contracting
20 and Procurement and the Chief Procurement Officer.
21 Nothing in chapter 3 of title 2 of the District of Columbia
22 Code shall affect the authority of the Board under this
23 subsection.”.

24 This Act may be cited as the “District of Columbia
25 Appropriations Act, 2005”.

Calendar No. 709

108TH CONGRESS
2D Session

S. 2826

[Report No. 108-354]

A BILL

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes.

SEPTEMBER 21 2004

Read twice and placed on the calendar